

REMARKS

The Office Action dated September 18, 2009 notes that the Restriction/Election requirement has been withdrawn, and that all claims will be considered. The following objections and rejections are noted: claims 1, 3, and 8-15 are objected to due to informalities; claim 15 stands rejected under 35 U.S.C. § 112(2); claims 1, 2 and 15 stand rejected under 35 U.S.C. § 103(a) over Little (U.S. Patent Pub. No. 2003/0081697); claim 3 stands rejected under U.S.C. § 103(a) over the '697 reference in view of Manzer (U.S. Patent No. 4,666,046); claims 4-5 stand rejected under U.S.C. § 103(a) over Nagaraj (U.S. Patent No. 6,041,084) in view of the '697 reference; and claim 6 stands rejected under U.S.C. § 103(a) over the '084 reference in view of the '697 reference and further in view of Bradbeer (U.S. Patent No. 5,130,543). Claim 7 is noted as being allowed, and claims 8-14 would be allowable if rewritten to correct informalities noted above. Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Regarding the objections to claims 1, 3, and 8-15, amendments have been made to these claims as suggested by the Examiner. Therefore, Applicant requests that the objections be withdrawn.

Regarding the § 112(2) rejection of claim 15, Applicant traverses as the noted express antecedent wording issue does not raise to a § 112(2) issue (M.P.E.P § 2173.05(e)), which is no longer present due to the facilitating amendment.

Applicant respectfully traverses all the § 103(a) rejections (of claims 1-6 and 15) because the cited '697 and/or the '084 reference, each either alone or in combination lacks correspondence to the claimed invention. For example, neither of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including aspects regarding, *e.g.*, root mean square (RMS) level detector. More specifically, neither the '084 nor the '697 reference teaches claimed aspects directed to detecting the RMS level of the binary signal. Because neither reference teaches these aspects of the claimed invention, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence.


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Docket No. NL020697US

Accordingly, the § 103(a) rejections of the claims fail and Applicant requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, David Schaeffer, of NXP Corporation at (212)876-6170.

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